

**EMERGENCY COMMISSION MEETING
MINUTES
Thursday, September 14, 2000**

A meeting of the Emergency Commission was held on Thursday, September 14, 2000, in the Governor's Conference Room. Present in the conference room was Governor Ed Schafer. Members participating via telephone conference call were Senator Gary Nelson, Senator David Nething, Representative Jack Dalrymple, and Secretary of State Al Jaeger. Governor Schafer called the meeting to order at 7:02 a.m.

Requests identified with an asterisk will be forwarded for the October 4, 2000, meeting of the Legislative Budget Section Committee per the provisions of N.D.C.C. § 54-16-04.1 and N.D.C.C. § 54-16-04.2.

1. State Historical Society of North Dakota (Request # 1302)

Request was withdrawn prior to meeting.

2. Department of Corrections and Rehabilitation – Field Services Division * (Request # 1303)

Request for \$525,000 in increased spending authority to accept federal funds from the Office of Victims of Crime to provide grants to victim services agencies and victims.

Senator Nething moved for approval. Senator Nelson seconded the motion. All members voted aye. Motion carried.

3. Department of Corrections and Rehabilitation – Division of Juvenile Services/Community Services * (Request # 1304)

Request for \$1,713,400 in increased spending authority to accept federal funds from the U. S. Department of Justice, Office of Justice Programs, Juvenile Accountability Incentive Block Grants (JAIBG) program, for accountability-based community sanctions and programs for juvenile offenders.

Representative Dalrymple moved for approval. Senator Nething seconded the motion. All members voted aye. Motion carried.

4. Department of Transportation * (Request # 1305)

Request for \$32,917,495 in increased spending authority to accept federal funds (\$7,023,400) from the Federal Highway Administration and the Federal Emergency Management Agency (FEMA); an additional allocation of federal funds (\$994,095) from the Federal Highway Administration; and to accept city/county reimbursements (\$24,900,000) for flood related work performed in the Devils Lake basin and elsewhere in the state.

Representative Dalrymple moved for approval. Secretary Jaeger seconded the motion. All members voted aye. Motion carried.

5. Parks and Recreation * (Request # 1306)

Request for approval to borrow \$1,400,000 from the Bank of North Dakota per the provisions of N.D.C.C. § 54-16-13 and as documented on a project work sheet approved by the Federal Emergency Management Agency (FEMA) for expenses related to the damages caused by the excessive rain natural disaster occurring in Turtle River State Park on June 12 and 13, 2000.

Senator Nelson moved for approval. Senator Nething seconded the motion. All members voted aye. Motion carried.

6. Parks & Recreation * (Request # 1307)

Request for \$185,000 in increased spending authority to accept other funds from park generated fees (\$160,000) and all-terrain vehicle registration and safety fees (\$25,000) for a Fort Lincoln Interpretive Program (\$60,000); equipment, (\$35,000); seasonal salaries (\$32,000); and park operating budgets (\$33,000) for additional ATV safety and educational programs.

Secretary Jaeger moved for approval. Representative Dalrymple seconded the motion. All members voted aye. Motion carried.

7. **Department of Corrections and Rehabilitation – Prisons Division * (Request # 1308)**
Request for \$252,238 in increased spending authority to accept federal funds from the Department of Justice, Bureau of Justice Assistance, State Criminal Alien Assistance Program (SCAAP), for support services (\$237,238) and security and safety (\$15,000) related to costs incurred for the imprisonment of undocumented criminal aliens who are convicted of felony offenses or two or more misdemeanors.
- Senator Nething moved for approval. Secretary Jaeger seconded the motion. All members voted aye. Motion carried.
8. **Department of Corrections and Rehabilitation – Prisons Division * (Request # 1309)**
Request for line item transfer of \$283,032 from Program Services (Line 76) to Support Services (Line 75) as it pertains to professional services for psychiatric evaluations and related program costs.
- Representative Dalrymple moved for approval. Senator Nething seconded the motion. All members voted aye. Motion carried.
9. **Council on the Arts * (Request # 1310)**
Request for \$101,124.75 in increased spending authority to accept federal funds from the National Endowment for the Arts (NEA) for arts education and art preservation (\$25,000); from the NEA for arts in education and institutional support (\$30,000); from the NEA for a folk arts apprenticeship program (\$8,000); and to use carryover funds (\$38,124.75) related to various arts education and underserved projects.
- Representative Dalrymple moved for approval. Secretary Jaeger seconded the motion. All members voted aye. Motion carried.
10. **Department of Agriculture (Request # 1311)**
Request for line item transfer of \$26,068 from salaries to operating (\$3,000) and equipment (\$23,068) related to a multi-agency project pertaining to the digitizing and compilation of the state's SSURGO soil database.
- Secretary Jaeger moved for approval. Senator Nething seconded the motion. All members voted aye. Motion carried.
11. **Department of Public Instruction * (Request # 1312)**
Request for \$420,000 in increased spending authority to accept federal funds from the U. S. Department of Agriculture (USDA) to procure services from a selected vendor for the development and implementation of a web-enabled computer system for the management and administration of federal nutrition programs.
- Senator Nelson moved for approval. Representative Dalrymple seconded the motion. All members voted aye. Motion carried.
12. **Department of Corrections and Rehabilitation – Youth Correctional Center * (Request # 1313)**
Request for \$64,920 in increased spending authority to accept federal pass-through funds from the Children's Services Coordinating Committee (CSCC) to contract for the services of a chaplain (\$49,920) and to provide paid work experience for juveniles (\$15,000).
- Senator Nething moved for approval. Representative Dalrymple seconded the motion. Voting yes were Schafer, Nething, Dalrymple, and Jaeger. Voting no was Nelson. Motion carried.
13. **Department of Agriculture (Request # 1314)**
Request for \$47,500 in state contingency funds, under the provisions of N.D.C.C. § 36-01-19, for the Board of Animal Health to provide financial assistance to Anthrax affected livestock producers for vaccination and carcass burial.
- Senator Nelson moved for approval. Secretary Jaeger seconded the motion. All members voted aye. Motion carried.

14. Job Service North Dakota (Request # 1315)

Request for \$11,167 in increased spending authority to accept funds from the Division of Community Services for energy savings lighting system upgrades at the Job Service office in Williston.

Senator Nething moved for approval. Representative Dalrymple seconded the motion. All members voted aye. Motion carried.

15. Job Service North Dakota (Request # 1316)

Request for \$7,500 in increased spending authority to accept funds from the North Dakota University System related to the Student Progress and Achievement Research Cooperative (SPARC) to generate an initial report to demonstrate its capabilities.

Senator Nelson moved for approval. Representative Dalrymple seconded the motion. All members voted aye. Motion carried.

16. Human Services * (Request # 1317)

Request for \$205,100 in increased spending authority to accept federal funds from the Federal Emergency Management Agency (FEMA) for salaries and wages (\$160,000) and for operating (\$45,100) to provide crisis counseling for Devils Lake area residents recovering from a severe windstorm and for residents in the Grand Forks and Fargo areas recovering from flooding resulting from extreme quantities of rainfall.

Secretary Jaeger moved for approval. Representative Dalrymple seconded the motion. Voting yes were Schafer, Dalrymple, and Jaeger. Voting no were Nelson and Nething. Motion carried.

17. Human Services (Request # 1318)

Request for line item transfer of \$45,490 from Subdivision 1 – Management and Councils, salaries and wages, to Subdivision 3 - Program and Policy – Children & Family and Mental Health Services, salaries and wages, to properly align the position within the appropriate Department program.

Secretary Jaeger moved for approval. Senator Nelson seconded the motion. All members voted aye. Motion carried.

18. Human Services * (Request # 1319)

Request for \$288,925 in increased spending authority to accept federal funds from the Social Security Administration to process an increased number of disability determinations being requested by claimants.

Senator Nething moved for approval. Representative Dalrymple seconded the motion. All members voted aye. Motion carried.

19. Human Services * (Request # 1320)

Request for \$1,300,000 in increased spending authority to expend a larger portion of Federal Fiscal Year 2001 grant award funds to serve the increased number of Vocational Rehabilitation clients.

Senator Nething moved for approval. Representative Dalrymple seconded the motion. All members voted aye. Motion carried.

20. Human Services * (Request # 1321)

Request for \$260,000 in increased spending authority to accept federal funds from the Department of Education for Vocational Rehabilitation – Older Blind Services.

Senator Nelson moved for approval. Senator Nething seconded the motion. All members voted aye. Motion carried.

21. Human Services * (Request # 1322)

Request for line item transfer of \$249,780 from Subdivision 4 – Field Services, Northwest Human Service Center, 70 Human Service Centers and Institutions, to Subdivision 1 – Management and Councils, Information Management Division, 30 Operating, for increased costs related to the wide area network upgrade provided for in SB 2043 (1999 Session Laws, Chapter 483).

Secretary Jaeger moved for approval. Senator Nelson seconded the motion. All members voted aye. Motion carried.

22. State Historical Society of North Dakota * (Request # 1323)

Request for \$480,000 in increased spending authority to accept federal pass-through TEA-21 funds from the North Dakota Department of Transportation for Phase I and Phase II of the Fort Abercrombie Master Plan.

Senator Nething moved for approval. Secretary Jaeger seconded the motion. All members voted aye. Motion carried.

23. Public Service Commission (Request # 1324)

Request for \$43,000 in increased spending authority to accept other funds for its Valuation Fund to offset expenses incurred with gas and electric rate increase cases as well as other types of telecommunication cases.

Representative Dalrymple moved for approval. Secretary Jaeger seconded the motion. All members voted aye. Motion carried.

24. Department of Banking & Financial Institutions (Request # 1325)

Request for a line item transfer of \$48,827 from equipment to operating for technology related expenses associated with the statewide area network and expenses related to the training of examiners.

Senator Nething moved for approval. Representative Dalrymple seconded the motion. All members voted aye. Motion carried.

25. Division of Emergency Management * (Request # 1326)

Request for \$40,068,995 in increased spending authority to accept federal funds from the Federal Emergency Management Agency (FEMA) for grants (\$39,500,000); for salaries and wages (\$375,300); operating (\$156,540); and equipment (\$37,155) for expenses associated with flood disasters in 1996, 1997, 1998, and 1999.

Senator Nelson moved for approval. Senator Nething seconded the motion. Voting yes were Nelson, Nething, Dalrymple, and Jaeger. Voting no was Schafer. Motion carried.

Secretary Jaeger moved to add the emergency provisions of N.D.C.C. § 54-16-04 to the request. Governor Schafer seconded the motion. Voting yes was Jaeger. Voting no were Schafer, Nelson, Nething, and Dalrymple.

26. Division of Emergency Management * (Request # 1327)

Request for \$49,727,698 in increased spending authority to accept federal funds (\$43,460,475) from the Federal Emergency Management Agency (FEMA) and a Bank of North Dakota loan (\$6,267,223), under the provisions of N.D.C.C. § 37-17.1-23, for expenses associated with the extensive flooding during the spring and summer of 2000.

Senator Nelson moved for approval. Representative Dalrymple seconded the motion. All members voted aye. Motion carried.

27. Highway Patrol * (Request # 1328)

Request for \$100,000 in increased spending authority to accept federal pass-through funds from the North Dakota Department of Transportation to purchase digital cameras.

Senator Nething moved for approval. Senator Nelson seconded the motion. All members voted aye. Motion carried.

28. Information Technology Division * (Request # 1329)

Request for \$1,500,000 in increased spending authority to accept other funds for operating (\$1,100,000) and for equipment (\$400,000) to provide computer application services to Job Service North Dakota, which will allow the providing of services to citizens via the Internet.

Senator Nelson moved for approval. Secretary Jaeger seconded the motion. All members voted aye. Motion carried.

29. Information Technology Division * (Request # 1330)

Request for \$4,062,800 in increased spending authority to accept other funds for operating (\$1,642,400) and equipment (\$2,420,400) to implement a statewide network for voice, video and other data as provided for in SB 2043 (1999 Session Laws, Chapter 483).

Senator Nelson moved for approval. Senator Nething seconded the motion. All members voted aye. Motion carried.

30. Information Technology Division * (Request # 1331)

Request for \$1,000,000 in increased spending authority to accept other funds for operating (\$1,000,000) for providing outside vendor contractual services on behalf of state agencies.

Secretary Jaeger moved for approval. Representative Dalrymple seconded the motion. All members voted aye. Motion carried.

31. Emergency Commission Policy regarding Administrative Rules

Request from the Secretary to the Emergency Commission for permission to inform the Legislative Council that the Emergency Commission does not wish to have rulemaking authority outside the provisions of Chapter 28-32 of the North Dakota Century Code; that it wishes to have the present provisions of Chapter 26-01-01 of the North Dakota Administrative Code repealed or otherwise removed; and that whatever legislation or action is necessary to accommodate these wishes of the Emergency Commission be carried out.

Senator Nelson moved for approval. Senator Nething seconded the motion. All members voted aye. Motion carried.

The meeting adjourned at 8:15 a.m.

Respectfully submitted,

Alvin A. Jaeger
Secretary of State
Secretary to Emergency Commission